

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	:	
	:	CASE NO. 07-65842
SOUTH STAR FUNDING, LLC	:	
	:	CHAPTER 7
Debtor	:	
	:	JUDGE: PAUL W. BONAPFEL
	:	
<hr/>		
WELLS FARGO BANK, N.A.,	:	
	:	
Movant	:	
	:	
v.	:	CONTESTED MATTER
	:	
SOUTH STAR FUNDING, LLC	:	
HARRY W. PETTIGREW, Trustee	:	
	:	
Respondents	:	
	:	
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NOTICE OF HEARING

PLEASE TAKE NOTICE that Wells Fargo Bank, N.A. has filed a Motion for Relief from the Automatic Stay and related papers with the Court seeking an Order Granting Motion for Relief from Stay.

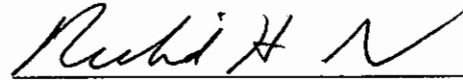
PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from the Automatic Stay in Courtroom 1401, 75 Spring Street, Atlanta, Georgia 30303 at 10:00 A.M. on April 16, 2008.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, United States Bankruptcy Court, 75 Spring Street, Suite 1340, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated:

MAR 26 2008



Richard H. Siegel, Bar No. 645825
Counsel for Movant
McCalla Raymer, LLC
1544 Old Alabama Road
Roswell, Georgia 30076
(770) 643-2148

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) BANKRUPTCY CASE
)
SOUTH STAR FUNDING, LLC) NO. 07-65842
)
Debtor)
)

)
WELLS FARGO BANK, N.A.,) JUDGE: PAUL W. BONAPFEL
)
Movant)
)
vs.)
)
) CHAPTER 7
SOUTH STAR FUNDING, LLC)
HARRY W. PETTIGREW, Trustee)
)
Respondents)

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW Movant and shows this Court the following:

1.

This is a Motion under Section 362(d) of the Bankruptcy Code for relief from the automatic stay for all purposes allowed by law and by the applicable contracts, including, but not limited to, the right to foreclose on certain pieces of real property.

2.

Movant is the holder or servicer of loans secured by the properties listed on the attached Schedule. Each property is

security for a Promisory Note. The names of the respective Borrowers, as known to Movant, are listed beside each property address.

3.

Movant believes that Debtor holds or services a loan on each of the properties listed, and that Debtor's lien on each property is inferior to Movant's lien.

4.

Each of the loans held or serviced by Movant is delinquent, and Movant seeks to initiate, continue and/or conclude foreclosure actions on each of the properties listed, in accordance with State law and its contracts. Movant seeks relief from the automatic stay because it believes Debtor has an interest in each of the properties, and foreclosure of any property would extinguish Debtor's lien thereon.

5.

Movant shows that most of these properties have little or no equity which will benefit the Estate. Movant is therefore not adequately protected.

WHEREFORE, Movant prays for an Order lifting the automatic stay, authorizing Movant to exercise its rights under its Notes,

Security Instruments, and appropriate state statutes, including, but not limited to, the right to initiate, continue and/or conclude foreclosure on these properties. Movant prays for such other and further relief as is just and equitable.



RICHARD H. SIEGEL, BAR NO. 645825
Attorney for Movant

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Roswell, Georgia 30076-2102
(770) 643-2148
(800) 845-8633

Main

<u>BORROWER'S NAME</u>	<u>PROPERTY ADDRESS</u>	<u>ESTIMATED PAYOFF</u>	<u>ESTIMATED VALUE</u>		
Angelos, Joseph and Romona Pyawasay	105 Eggeleston Street, Fox Lake, WI 53933	\$142,424.27	\$155,000.00	ASC-08-15605	708
Bolton, Linn and Julie Bolton	8620 S.W. 209th Court, Dunnellon, FL 34431	\$148,803.61	\$125,000.00	ASC-08-15603	708
Bonte, Dale and Gloria Bonte	337 220th Street, Baldwin, WI 54002	\$313,799.28	\$230,000.00	ASC-08-15567	708
Cela, Jose	3711 W. Layton Avenue, Milwaukee, WI, 53221	\$210,557.76	\$242,500.00	ASC-08-15546	708
Cook, Paula	279 W. Meade Street, Pearl, MS 39208	\$128,511.51	\$135,000.00	ASC-08-15541	708
Certsch, Cheryl	244 W. 2nd Street, Oconomowoc, WI 53066	\$170,752.79	\$175,000.00	ASC-08-15609	708
Gibson, Luis	311 Oakwood Avenue, West Hartford, CT 06110	\$228,921.79	\$260,000.00	ASC-08-15566	708
Haggin, Katie	2217 North Brookfield Street, Ellensburg, WA 98926	\$152,073.77	\$195,000.00	ASC-08-15548	708
Herin, Gregory and Shannon Herin	2383 Edward Street, Salina, KS 67401	\$113,646.61	\$151,000.00	ASC-08-15564	708
Jamieson, Janice	1246 S. Military Trail, Deerfield Beach, FL 33442	\$187,075.77	\$170,000.00	ASC-08-15545	708
Matavia, Timothy	4921 Oak Leaf Drive, Jackson, MS 39212	\$79,125.37	\$92,000.00	ASC-08-15542	708
Perez, Jesus	643 Conservation Drive, Weston, FL 33327	\$385,141.88	\$300,000.00	ASC-08-15543	708
Taden, Jason and Angel Taden	3002 36th Avenue West, Bradenton, FL 34205	\$170,188.55	\$170,000.00	ASC-08-15565	708

BANKRUPTCY CASE NO. 07-65842

CHAPTER 7

JUDGE: PAUL W. BONAPFEL

CERTIFICATE OF SERVICE

I, Richard H. Siegel of McCalla Raymer, LLC, 1544 Old Alabama Road, Roswell, Georgia 30076-2102, certify:

That on the date below, I served a copy of the within NOTICE OF ASSIGNMENT OF HEARING, together with the "MOTION FOR RELIEF FROM THE AUTOMATIC STAY" filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, postage prepaid, unless another manner of service is expressly indicated:

SouthStar Funding LLC
400 Northridge Road
Suite 1000
Atlanta, GA 30350

J. Robert Williamson, Esquire
Scroggins & Williamson
1500 Candler Building
127 Peachtree Street, N.E.
Atlanta, GA 30303

Harry W. Pettigrew, Trustee
Pettigrew & Associates, P.C.
P.O. Box 4030
Decatur, GA 30031

J. Michael Lamberth
Lamberth, Cifelli, Stokes & Stout, P.A.
East Tower - Suite 550
3343 Peachtree Road, N.E.
Atlanta, GA 30326-1022

Neil C. Gordon
171 17th Street, N.W.
Suite 2100
Atlanta, GA 30363

Angeles, Joseph and Romona Ryawasay
105 Eggelston Street
Fox Lake, WI 53933

Angeles, Joseph and Romona Pyawasay
P.O. Box 521
Fox Lake, WI 53933

Bolton, Linn and Julie Bolton
8620 S.W. 209th Court
Dunnellon, FL 34431

Bonte, Dale and Gloria Bonte
337 220th Street
Baldwin, WI 54002

Ceja, Jose
3711 West Layton Avenue
Milwaukee, WI 53221

Cook, Paula
279 W. Meade Street
Pearl, MS 39208

Gertsch, Cheryl L.
244 W. 2nd Street
Oconomowoc, WI 53066

Gibson, Lulis
311 Oakwood Avenue
West Hartford, CT 06110

Gibson, Lulis
100 Knollwood Road
West Hartford, CT 06110

Haggin, Katie
2217 N. Brookfield Street
Ellensburg, WA 98926

Herin, Gregory and Shannon Herin
2383 Edward Street
Salina, KS 67401

Jamieson, Janice
1246 S. Military Trail
Deerfield Beach, FL 33442

Metevia, Timothy
4921 Oak Leaf Drive
Jackson, MS 39212

Perez, Jesus
643 Conservation Drive
Weston, FL 33327

Perez, Jesus
2216 Ensenada Terrace
Weston, FL 33327

Tjaden, Jason and Angel Tjaden
3002 36th Avenue West
Bradenton, FL 34205

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

Executed on MAR 26 2008 By: 
(date) RICHARD H. SIEGEL, BAR NO. 645825
Attorney for Movant